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7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**
9 **SAN FRANCISCO DIVISION**

10
11 FELIPE CALDERON,
12 Plaintiff,

13 v.

14 DAVEY TREE SURGERY COMPANY,
15 Defendant.
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Case No. 11-cv-05486 SBA (NC)

**ORDER GRANTING MOTION
TO COMPEL DEPOSITION**

Re: Dkt. Nos. 38, 48

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18 The Court held a discovery hearing in order to address defendant Davey Tree
19 Surgery Company's motion to compel plaintiff Felipe Calderon's deposition and for
20 sanctions. Plaintiff must comply with all applicable rules of civil procedure, which
21 include compliance with discovery requests, even though he represents himself. *Briones*
22 *v. Riviera Hotel & Casino*, 116 F.3d 379, 381 (9th Cir. 1997) (holding that ignorance
23 does not excuse pro se litigants from following the rules of procedure); Civil L.R. 3-9(a)
24 ("A person representing him or herself without an attorney is bound by the Federal
25 Rules, as well as by all applicable local rules. Sanctions . . . may be imposed for failure
26 to comply with local rules." Sanctions include default, dismissal, and payment of
27 attorneys' fees and costs.). Accordingly, plaintiff must comply with defendant's
28 discovery requests by March 15, 2013. In addition, plaintiff must appear for his

1 deposition. Currently, the deposition is scheduled for March 6, 2013 at 10:00 a.m. at the
2 office of defense counsel, 1255 Treat Boulevard, Suite 600, Walnut Creek, California. If
3 the trial deadlines are extended, plaintiff must appear for his deposition on April 18,
4 2013 at 10:00 a.m. at defense counsel's office. The Court DENIES defendant's motion
5 for sanctions, without prejudice, for failure to follow Civil Local Rules 37-4 and 7-8,
6 which require a motion for sanctions to be filed and set for hearing separately.

7 The Court recommends to Judge Armstrong that she continue all case
8 management deadlines by ninety days, in light of the transition in plaintiff's counsel and
9 so that defendant will not be prejudiced by plaintiff's failure to participate in discovery.

10 IT IS SO ORDERED.

11 Date: February 28, 2013



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13 NATHANAEL M. COUSINS
United States Magistrate Judge
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